

### REMARKS

An Office action was issued on March 21, 2003 ("the Office action"). Claims 1-79 were pending at the time of the Office action. Claims 13, 20-21, 28, 36-38, 41-43, 47, 52, 55-57, 71-73 were rejected under 35 U.S.C. § 102(b). Claims 29, 34, 40, 53-54, and 75-79 were rejected under 35 U.S.C. § 103(a). Claims 14-19, 22-27, 30-33, 35, 39, 44-46, 48-51, 58-62, and 74 were objected to for being based upon a rejected base claim, but would have been allowable if rewritten in independent format. Claims 1-12 and 63-70 were allowed.<sup>1</sup>

After entry of the above amendment, claims 1-40, 42-73, and 75-99 will be pending in the application. Claims 80-99 are all new dependent claims.

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<sup>1</sup> The status of several of the claims was clarified as follows during discussions with the Examiner after the Office action was issued, and the status summary above incorporates these clarifications:

- the status of claim 44 was not stated in the Office action; however, the Examiner stated that the intent was to object to claim 44 as being based upon a rejected base claim and that claim 44 would have been allowed if it was written in independent format (*see* Interview Summary for April 14, 2003, paper number 13);
- claims 47 and 52 were rejected in the Office action under both 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a); the Examiner stated that the rejections under § 103(a) were in error and claims 47 and 52 should have been rejected solely under 35 U.S.C. § 102(b) in view of the Weber patent (*see* Interview Summary for April 14, 2003, paper number 13);
- claims 50 and 51 were rejected under 35 U.S.C. § 102(b) even though they each depend from claim 49, which was only objected to for being based upon a rejected base claim; the Examiner stated that the rejections under § 102(b) were in error and that claims 50 and 51 should have been merely objected to as being based upon a rejected base claim, and that they would have been allowable if written in independent format (*see* Interview Summary for June 16, 2003, paper number 14).

**Summary of Interviews****Interview on December 12, 2002**

During the interview on December 12, 2002, Examiner Maples and the Applicants' representatives discussed the outstanding rejections. Specifically, the rejection of claims 13-20 under 35 U.S.C. § 112 was traversed because, as pointed out during the interview and the subsequent amendment, the subject matter of these claims was supported by the original disclosure. Also, the rejection of claims 1-12 for "lacking reissuable error" was argued to be incorrect. The Examiner concurred and withdrew the rejections.

**Discussions With Examiner to Clarify the Status of Several Claims**

Because of minor inconsistencies in the treatment of several claims in the Office action, the Applicants' representative twice spoke with the Examiner to obtain needed clarification. These discussions were merely "housekeeping" in nature. Neither the prior art references nor the patentability of the claims was discussed.

On April 14, 2003, Examiner Maples and Applicants' representative discussed the status of claims 44, 47, and 52. Examiner Maples indicated that claim 44 should have been objected to as being based upon a rejected base claim. Examiner Maples also indicated that claims 47 and 52 should have been rejected solely under 35 U.S.C. § 102(b) (and not under 35 U.S.C. § 103(a)).

In addition, a copy of the First Information Disclosure Statement, previously submitted in the application on October 15, 2002, was provided to Examiner Maples along with an explanation that the list of references cited in the IDS had not yet been returned with the Examiner's initials and signature.

Then, on June 16, 2003, Examiner Maples and Applicants' representative discussed the status of claims 50 and 51. Like the prior discussion, this discussion was "housekeeping" in nature. Neither the prior art references nor the patentability of the claims was discussed. Examiner Maples indicated that claims 50 and 51 should not have been rejected over the prior art, but should have been objected to as being dependent upon a rejected base claim.

#### Interview on August 13, 2003

On August 13, 2003, Applicants' representatives met with Examiner Maples to discuss proposed amendments to the rejected independent claims 13, 21, 29, 47, and 71. The proposed amendments and arguments for patentability of the claims discussed during the interview are substantially the same as those in this amendment. Examiner Maples made several suggestions concerning the claim language and format, all of which have been incorporated into the above amendment.

#### First Information Disclosure Statement Submitted October 15, 2002

A First Information Disclosure Statement was submitted on October 15, 2002, pursuant to the Examiner's instructions on page 2 of the Office action of August 16, 2002. The First Information Disclosure Statement included a list of references that were cited in the parent patent

applications. The list of references bearing the Examiner's initials and signature has not yet been returned. Applicants respectfully request that the references cited in the First Information Disclosure Statement be considered by the Examiner, and that the Examiner note his consideration by initialing next to each reference on the list of references and returning an initialed copy of the list to the Applicants.

### **Claims 1-12**

Claims 1-12 were allowed in the Office action.

### **Claims 13-20, 36-40, and 42**

Claim 13 is an independent claim and claims 14-20, 36-40, and 42 each depend from claim 13. Claim 13 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,973,179 to Weber et al. ("the Weber patent").

This rejection is respectfully traversed. Claim 13, as amended, recites both a drive assembly and a battery adapted to be repeatably and releasably attached to the drive assembly. According to claim 13, the drive assembly has at least four elements: "(i) an electric motor, (ii) battery terminals, (iii) an elongate handgrip portion, and (iv) a battery receiving portion attached to a bottom end of the handgrip portion." The Weber patent does not disclose a drive assembly with each of these four recited elements. The "power handle 12" disclosed in the Weber patent does not have, at least, an electric motor. The "tool head 14" does not have, at least, an elongate handgrip portion. Thus, neither the "power handle 12" nor the "tool head 14" that are disclosed

in the Weber patent can read upon the drive assembly recited in claim 13. For at least this reason, it is respectfully submitted that claim 13 patentably distinguishes over Weber.

In addition, claim 13 has been amended to recite that (i) the battery receiving portion is attached to the bottom end of the handgrip portion, (ii) a longitudinal axis of the handgrip portion intersects the battery receiving portion and the battery housing when the battery is attached to the drive assembly, and (iii) the handgrip portion does not house any part of the battery or the electric motor. The importance of the handgrip portion not housing any part of the battery or the electric motor in achieving an effective, weight-balanced arrangement of components on the tool is discussed in the specification of the parent patent. *See, e.g.*, U.S. Patent No. 5,792,573, col. 8, lines 45-61.

Each of the three limitations above distinguishes the claimed invention even further from Weber. Even if, under a strained (and improper) interpretation, Weber's "tool head 14" is considered to have a handgrip portion and, thus, Weber's "tool head 14" is considered to correspond with the drive assembly, Weber still falls short of anticipating claim 13. Under that strained interpretation, Weber's handgrip portion does not have a battery receiving portion at its bottom end, Weber's handgrip portion does not house any part of the battery or the electric motor, and Weber's handgrip portion does not have a longitudinal axis which intersects the battery receiving portion and the battery when the battery is attached to the drive assembly, all in contravention of the limitations in amended claim 13. No structure disclosed in the Weber patent can meet all of the limitations in claim 13 for the handgrip portion. For each of these additional reasons, it is respectfully submitted that claim 13 patentably distinguishes over Weber.

Claims 14-20, 36-40, and 42 include the same limitations as claim 13, and thus the Weber patent does not anticipate these claims for at least the same reasons as discussed above. These claims also recite additional limitations which are not disclosed in the Weber patent.

**Claims 21-28 and 43-46**

Claim 21 is an independent claim and claims 22-28 and 43-46 each depend from claim 21. Claim 21 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the Weber patent.

This rejection is respectfully traversed. Claim 21, as amended, recites both a drive assembly and a battery adapted to be repeatably and releasably attached to the drive assembly. According to claim 21, the drive assembly has at least four elements: (i) elongate drive and (ii) elongate handgrip portions, (iii) an electric motor, (iv) a battery receiving portion attached to a bottom end of the handgrip portion having a pair of tracks defining flanges, and (v) battery terminals.” The Weber patent does not disclose a drive assembly with each of these five recited elements. The “power handle 12” disclosed in the Weber patent does not have, at least, an electric motor. The “tool head 14” does not have, at least, an elongate handgrip portion. Thus, neither the “power handle 12” nor the “tool head 14” that are disclosed in the Weber patent can read upon the drive assembly recited in claim 21. For at least this reason, it is respectfully submitted that claim 21 patentably distinguishes over Weber.

In addition, claim 21 has been amended to recite that (i) the battery receiving portion is attached to the bottom end of the handgrip portion, (ii) a longitudinal axis of the handgrip portion

intersects the battery receiving portion and the battery housing when the battery is attached to the drive assembly, and (iii) the handgrip portion does not house any part of the battery or the electric motor. The importance of the handgrip portion not housing any part of the battery or the electric motor in achieving an effective, weight-balanced arrangement of components on the tool is discussed in the specification of the parent patent. *See, e.g.*, U.S. Patent No. 5,792,573, col. 8, lines 45-61.

Each of the three limitations above distinguishes the claimed invention even further from Weber. Even if, under a strained (and improper) interpretation, Weber's "tool head 14" is considered to have a handgrip portion and, thus, Weber's "tool head 14" is considered to correspond with the drive assembly, Weber still falls short of anticipating claim 21. Under that strained interpretation, Weber's handgrip portion does not have a battery receiving portion at its bottom end, Weber's handgrip portion does not house any part of the battery or the electric motor, and Weber's handgrip portion does not have a longitudinal axis which intersects the battery receiving portion and the battery when the battery is attached to the drive assembly, all in contravention of the limitations in amended claim 21. No structure disclosed in the Weber patent can meet all of the limitations in claim 21 for the handgrip portion. For each of these additional reasons, it is respectfully submitted that claim 21 patentably distinguishes over Weber.

Claims 22-28 and 43-46 include the same limitations as claim 21, and thus the Weber patent does not anticipate these claims for at least the same reasons as discussed above. These claims also recite additional limitations which are not disclosed in the Weber patent.

**Claims 29-35 and 80**

Claim 29 is an independent claim and claims 30-35 and 80 each depend from claim 29. Claim 29 was rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over the Weber patent in view of U.S. Patent No. 3,186,878 (“the Filander patent”).

This rejection is respectfully traversed. Claim 29 recites a battery having at least one battery cell, and a drive assembly with an elongate handgrip portion. Claim 29 has been amended to recite that the handgrip portion of the drive assembly does not house any part of the battery when the battery is attached to the drive assembly. The Weber patent does not disclose a drive assembly with an elongate handgrip portion which does not house any part of the battery. The Filander patent does not disclose a handgrip portion which does not house any part of the battery (*see* FIG. 1, “housing 11” houses a part of the “battery case 12”). Thus, neither the Weber patent nor the Filander patent discloses a drive assembly having an elongate handgrip portion which does not house any part of the battery. For at least this reason, the combination of the Weber patent and the Filander patent does not disclose every limitation recited in claim 29.

Claims 30-35 and 80 include the same limitations as claim 29, and thus the Weber patent and the Filander patent in combination do not disclose every limitation of these claims for at least the same reasons as discussed above. These claims also recite additional limitations which are not disclosed in the Weber patent or the Filander patent.



**Claims 47-62 and 81-84**

Claim 47 is an independent claim and claims 48-62 and 81-84 each depend from claim 47. Claim 47 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the Weber patent.

This rejection is respectfully traversed. Claim 47 recites both a battery and a powered device. Claim 47 has been amended to recite that the negative and positive battery terminals of the powered device each comprise a flat plate member having first and second opposite exposed side surfaces. The claim has also been amended to recite that the battery contacts on the battery each comprise first and second resilient deflecting members, and that the first resilient deflecting member is adapted to contact the first side surface of a battery terminal, and the second resilient deflecting member is adapted to contact the second side surface of a battery terminal. The Weber patent does not disclose battery terminals on a powered device with first and second opposite exposed side surfaces where each of the side surfaces is contacted by a resilient deflecting member of a battery contact. For at least this reason, the Weber patent does not disclose each of the limitations recited in claim 47.

Claims 48-62 and 81-84 include the same limitations as claim 47, and thus the Weber patent does not anticipate these claims for at least the same reasons as discussed above. These claims also recite additional limitations which are not disclosed in the Weber patent.

**Claims 63-70 and 85-98**

Claims 63-70 have been allowed. New claims 85-98 each depend from claim 63 and should also be allowable.

**Claims 71-73, 75-79, and 99**

Claim 71 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the Weber patent. Claim 74 depended from claim 71 and was objected to for being dependent upon a rejected base claim, but would have been allowable if it had been written in independent format.

In the above amendment, claim 71 has been amended to incorporate the subject matter of claim 74, which has been cancelled. Therefore, claim 71 should be allowable over the Weber patent for the same reason as claim 74.

**Request for Notice of Allowance**

All of the grounds for rejection in the last Office action have been addressed. It is respectfully submitted that the claims are now in condition for allowance. If any issues remain, the Examiner is invited to telephone the undersigned representative in order to discuss, and expeditiously resolve, any such issues to facilitate allowance of the application.

CONCLUSION

This response is submitted less than five months from the mailing date of the Office action. A Petition for Two Month Extension of Period for Reply, along with the appropriate fee for the extension, accompanies this response. The fee for the additional claims that have been added to the application by the above amendment also accompanies this response. If any further fees are due in connection herewith, or at any time during the pendency of this patent application, authorization is hereby granted to charge the undersigned's deposit account no. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

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By: Christopher C. Campbell / AJR  
Christopher C. Campbell  
Registration No. 37,291

Hunton & Williams  
Intellectual Property Department  
1900 K Street, N.W., Suite 1200  
Washington, D.C. 20006-1109  
(202) 955-1672 (Telephone)  
(202) 778-2201 (Facsimile)

**APPENDIX A**

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
1-12. (Original claims from patent)	
<p>13. (Currently amended) A rechargeable battery adapted to be repeatably and releasably attached to a drive assembly;[,] the drive assembly having (i) an electric motor,</p> <p><u>(ii) battery terminals, (iii) an elongate handgrip portion,</u></p> <p><u>and (iv) a battery receiving portion attached to a bottom end of the handgrip portion;</u></p> <p>said battery comprising:</p> <p>a battery housing [having top and bottom portions],</p> <p>at least one cell within the battery housing and battery contacts adjacent the housing and situated to engage the battery terminals of the drive assembly;</p> <p>one of the drive assembly and the battery having a pair of tracks defining flanges; and</p> <p>the other of the drive assembly and the battery having grooves configured to receive the flanges of the tracks;</p> <p>wherein the battery may be repeatably and releasably attached to the drive assembly by sliding the battery into and out of engagement with the drive assembly[,] <u>and</u></p>	<p>“Referring now to FIG. 2, the drive assembly 10 includes a motor assembly having a D.C. electric powered motor 12 ...” Col. 5, lines 37-39.</p> <p>“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.</p> <p>“The handgrip portion 5 has...top T and bottom B ends (see FIG. 2).” Col. 7, lines 59-61. “The bottom of the handgrip portion 5 includes a battery receiving portion 48....” Col. 8, lines 14-15.</p>

<sup>2</sup>

Citations are to U.S. Patent No. 5,792,573.

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p><u>a longitudinal axis of the handgrip portion intersects the battery receiving portion and the battery housing when the battery is attached to the drive assembly; and</u></p> <p><u>wherein the handgrip portion does not house any part of the battery or the electric motor when the battery is attached to the drive assembly.</u></p>	<p>“The drive assembly 10 includes a housing comprising elongate drive 4 and handle 6 portions defining drive D and handle H longitudinal axes.” Col. 5, lines 30-33. At least FIG. 2 of the application discloses to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery attachable to a drive assembly with an elongate handgrip portion having a longitudinal axis intersecting a battery receiving portion and a battery housing when the battery is attached to the drive assembly.</p> <p>“The weight distribution of the device 10 is substantially balanced about the handgrip portion 5 as the relatively heavier elements such as the battery cells and the motor/transmission assemblies of the device 10 are spaced on opposite ends (top T and bottom B) of the handgrip 5. A handgrip cavity 53 is formed within the inner portions the handgrip 5. As opposed to prior art devices which include a battery or motor within the portion of its housing that is designed to be manually grasped, the cavity 53 is free of batteries or motors or transmission or gear assemblies.” Col. 8, lines 45-54.</p>
14-17. (Previously presented)	
18. (Currently amended) A rechargeable battery according to claim 17, wherein <u>the battery housing has top and bottom portions and the means for automatically moving the blocking member comprises a ramped surface on the top portion of the battery housing.</u>	<p>“The battery comprises an autoclavable battery housing having opposite top and bottom portions....” Col. 3, lines 48-49.</p>
19. (Previously presented)	

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>20. (Currently amended) A rechargeable battery according to claim 13, wherein <u>the battery housing has top and bottom portions and said battery contacts each include a first end fixedly attached to said top portion of said battery housing and a second end adapted to abut a support shoulder of the top portion of the battery housing.</u></p>	<p>“The battery comprises an autoclavable battery housing having opposite top and bottom portions....” Col. 3, lines 48-49.</p>
<p>21. (Currently amended) A rechargeable battery adapted to be repeatably and <u>releasably</u> [releaseably] attached to a drive assembly;[,] the drive assembly having (i) <u>elongate drive</u> and (ii) <u>elongate handgrip</u> [handle] portions,</p> <p><u>(iii) an electric motor,</u></p> <p><u>(iv) a battery receiving portion attached to a bottom end of the handgrip portion</u> having a pair of tracks defining flanges, and (v) battery terminals;</p> <p>said battery comprising:</p> <p>a battery housing having top and bottom portions,</p> <p>at least one cell within the battery housing and battery contacts adjacent the top portion of the housing and situated to engage the battery terminals of the drive assembly, and</p> <p>releasable attachment means for releasably attaching the battery to the battery receiving portion in a direction other than the direction of elongation of the <u>handgrip</u> [handle] portion[.];</p>	<p>“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.</p> <p>“Referring now to FIG. 2, the drive assembly 10 includes a motor assembly having a D.C. electric powered motor 12 ...” Col. 5, lines 37-39.</p> <p>“The handgrip portion 5 has...top T and bottom B ends (see FIG. 2).” Col. 7, lines 59-61. “The bottom of the handgrip portion 5 includes a battery receiving portion 48....” Col. 8, lines 14-15.</p> <p>“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.</p>

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p><u>wherein a longitudinal axis of the handgrip portion intersects the battery receiving portion and the battery housing when the battery is attached to the drive assembly; and</u></p> <p><u>wherein the handgrip portion does not house any part of the battery or the electric motor when the battery is attached to the drive assembly.</u></p>	<p>“The drive assembly 10 includes a housing comprising elongate drive 4 and handle 6 portions defining drive D and handle H longitudinal axes.” Col. 5, lines 30-33. At least FIG. 2 of the application discloses to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery attachable to a drive assembly with an elongate handgrip portion having a longitudinal axis intersecting a battery receiving portion and a battery housing when the battery is attached to the drive assembly.</p> <p>“The weight distribution of the device 10 is substantially balanced about the handgrip portion 5 as the relatively heavier elements such as the battery cells and the motor/transmission assemblies of the device 10 are spaced on opposite ends (top T and bottom B) of the handgrip 5. A handgrip cavity 53 is formed within the inner portions the handgrip 5. As opposed to prior art devices which include a battery or motor within the portion of its housing that is designed to be manually grasped, the cavity 53 is free of batteries or motors or transmission or gear assemblies.” Col. 8, lines 45-54.</p>
22-28. (Previously presented)	
<p>29. (Currently amended) A rechargeable battery adapted to be repeatably and <u>releasably</u> [releaseably] attached to an orthopedic drive assembly;[,] the orthopedic drive assembly having (i) elongate drive and [handle] (ii) <u>elongate handgrip</u> portions,</p>	<p>“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.</p>

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>(iii) a battery receiving portion having a pair of tracks defining flanges, (iv) <u>an electric motor</u>,</p> <p>and (v) battery terminals;[,]</p> <p>said battery comprising:</p> <p>a battery housing having top and bottom portions,</p> <p>at least one cell within the battery housing and battery contacts adjacent the top portion of the housing and situated to engage the battery terminals of the orthopedic drive assembly, and releasable attachment means for releasably attaching the battery to the battery receiving portion in a direction other than the direction of elongation of the <u>handgrip</u> [handle] portion[.];</p> <p><u>wherein the handgrip portion does not house any part of the battery when the battery is attached to the drive assembly.</u></p>	<p>“Referring now to FIG. 2, the drive assembly 10 includes a motor assembly having a D.C. electric powered motor 12 ...” Col. 5, lines 37-39.</p> <p>“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.</p> <p>“The weight distribution of the device 10 is substantially balanced about the handgrip portion 5 as the relatively heavier elements such as the battery cells and the motor/transmission assemblies of the device 10 are spaced on opposite ends (top T and bottom B) of the handgrip 5. A handgrip cavity 53 is formed within the inner portions the handgrip 5. As opposed to prior art devices which include a battery or motor within the portion of its housing that is designed to be manually grasped, the cavity 53 is free of batteries or motors or transmission or gear assemblies.” Col. 8, lines 45-54.</p>
30-31. (Previously presented)	
32. (Currently amended) A rechargeable battery according to claim [33] <u>31</u> , wherein the means for automatically moving the blocking member comprises a ramped surface on the top portion of the battery housing.	



Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
33. (Currently amended) A rechargeable battery according to claim 29, wherein each of the battery terminals comprise a substantially flat [place] <u>plate</u> member having opposite side surfaces, and each of said battery contacts comprise a pair of flexible, resilient arcuate members which are adapted to engage opposite side surfaces of a battery terminal.	“In one embodiment, each of the battery terminals comprises a substantially flat plate member having opposite side surfaces....” Col. 3, lines 26-28.
34-38. (Previously presented)	
39. (Currently amended) The rechargeable battery according to claim 15 wherein <u>the battery housing has top and bottom portions and the slot is formed in the top portion of the battery housing.</u>	“The battery comprises an autoclavable battery housing having opposite top and bottom portions....” Col. 3, lines 48-49.
40. (Previously presented)	
41. (Cancelled)	
42-43. (Previously presented)	
44. (Currently amended) A rechargeable battery according to claim 43 further comprising latching means comprising: a blocking member for preventing disengaging movement between said flanges and grooves; means to enable said blocking member to be selectively reciprocated, in a direction parallel to <u>the [said] direction of elongation of said handgrip portion [handle]</u> , between a latched position and an unlatched position,	“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>said blocking member, when in said latched position, extending into said path of said battery as said battery is engaged with said drive assembly and, when in said unlatched position, not extending into said path;</p> <p>an opening adapted to receive and cooperate with said blocking member, when said blocking member is in said latched position, to receive said blocking member and prevent disengagement movement of said battery along said flanges of the tracks;</p> <p>ramp means associated with said battery to move said blocking member temporarily from said latched position to said unlatched position as said battery is engaged with said drive assembly, said ramp means terminating at a predetermined point to enable said blocking member to return to said latched position and engage said opening.</p>	
45-46. (Previously presented)	
<p>47. (Currently amended) A rechargeable battery adapted to be repeatably and releasably attached to a powered device, the powered device including a housing, the housing having (i) an electric motor associated therewith, (ii) <u>one of a pair of flanges or a pair of mounting grooves</u>, and</p> <p>(iii) a negative battery terminal and a positive battery terminal electrically associated with the electric motor through a power switch, <u>the negative battery terminal and the positive battery terminal each comprising a flat plate member having first and second opposite exposed side surfaces</u>,</p>	<p>At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery attachable to a drive assembly having one of a pair of flanges or a pair of mounting grooves.</p> <p>“In one embodiment, each of the battery terminals comprises a substantially flat plate member having opposite side surfaces....” Col. 3, lines 26-28.</p>

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>the rechargeable battery comprising:</p> <p>a battery casing having a top portion and a bottom portion;</p> <p>at least one rechargeable battery cell housed inside of the battery casing;</p> <p>a negative battery contact and a positive battery contact associated with the battery casing [and adapted to contact the negative battery terminal and the positive battery terminal, respectively], the at least one rechargeable battery cell being electrically connected to the negative battery contact and the positive battery contact;</p> <p><u>the negative battery contact comprising first and second resilient deflecting members, the first resilient deflecting member adapted to contact the first side surface of the negative battery terminal and the second resilient deflecting member adapted to contact the second side surface of the negative battery terminal when the battery is mounted to the housing;</u></p> <p><u>the positive battery contact comprising first and second resilient deflecting members, the first resilient deflecting member adapted to contact the first side surface of the positive battery terminal and the second resilient deflecting member adapted to contact the second side surface of the positive battery terminal when the battery is mounted to the housing;</u></p> <p><u>an other of a pair of flanges or a pair of mounting grooves formed on the battery casing[ adapted to receive the flanges formed on the housing], the other of a pair of flanges or a pair of mounting grooves being at least one-third the length of the top portion of the battery casing;</u> and</p>	<p>“The battery terminal 39A is designed to be sandwiched between the flexible, resilient deflecting members 81 and 82 and to deflect the members 81 and 82 in a direction that is substantially perpendicular to both of the axes H and D during vibration of the battery terminals 39A. Preferably, side 91 of the battery contact 33A is in electrical communication with deflecting member 81, and side 92 of the battery contact is in electrical communication with deflecting member 82.” Col. 11, lines 11-19.</p> <p>At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery comprising an other of a pair of flanges or a pair of mounting grooves formed on the battery casing.</p>

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>wherein the rechargeable battery [can] <u>is adapted to</u> be repeatably and releasably attached to the housing by sliding the pair of flanges into the pair of mounting grooves in a direction of sliding that is generally parallel with a <u>generally flat</u> bottom surface of the bottom portion of the battery casing.</p>	<p>At least FIGS. 2, 4, and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery comprising a generally flat bottom surface.</p>
<p>48. (Previously presented)</p>	
<p>49. (Currently amended) The rechargeable battery of claim 48 wherein the slot is formed on the top portion and the <u>other of a pair of flanges or a pair of mounting grooves</u> is formed on the top portion.</p>	<p>At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery comprising an other of a pair of flanges or a pair of mounting grooves formed on the battery casing.</p>
<p>50. (Currently amended) The rechargeable battery of claim 47 [49] wherein the at least one rechargeable battery cell comprises at least five series electrically connected, individual, rechargeable, cylindrical battery cells arranged in a plurality of rows and housed inside of the battery casing.</p>	
<p>51. (Previously presented)</p>	
<p>52. (Currently amended) The combination of the rechargeable battery of claim 47 and a <u>powered device comprising</u></p> <p><u>a housing having an electric motor disposed therein, one of a pair of flanges or a pair of mounting grooves,</u></p>	<p>“Referring now to FIGS. 1 through 10 of the drawing there is shown an embodiment of a cordless rechargeable battery powered drive assembly ....” Col. 5, lines 26-28.</p> <p>At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery attachable to a powered device comprising a housing having one of a pair of flanges or a pair of mounting grooves.</p>

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>and <u>a negative battery terminal[s] and a positive battery terminal</u> each electrically connected to the electric motor, <u>the negative battery terminal and the positive battery terminal each comprising a flat plate member having first and second opposite exposed side surfaces.</u></p>	<p>“In one embodiment, each of the battery terminals comprises a substantially flat plate member having opposite side surfaces....” Col. 3, lines 26-28.</p>
<p>53. (Currently amended) The combination of claim 52 wherein the [housing, the electric motor, the pair of flanges, and the battery terminals are each part of] <u>powered device is an orthopedic drive assembly.</u></p>	<p>“Referring now to FIGS. 1 through 10 of the drawing there is shown an embodiment of a cordless rechargeable battery powered drive assembly ....” Col. 5, lines 26-28.</p>
<p>54. (Previously presented)</p>	
<p>55. (Currently amended) The combination of claim 52 wherein the housing comprises a [handle] <u>handgrip</u> portion with a direction of elongation</p> <p>and the <u>one of a pair of flanges or a pair of mounting grooves of the housing</u> is not generally parallel to the direction of elongation.</p>	<p>“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.</p> <p>At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery attachable to a powered device comprising a housing having one of a pair of flanges or a pair of mounting grooves.</p>
<p>56. (Currently amended) The combination of claim 52 wherein the <u>other of a pair of flanges or a pair of mounting grooves of the battery casing</u> is at least one-half the length of the top portion of the battery casing.</p>	<p>At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery with a battery casing having an other of a pair of flanges or a pair of mounting grooves.</p>
<p>57-58. (Previously presented)</p>	

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
59. (Currently amended) The combination of claim 58 wherein the slot is formed on the top portion and the <u>other of a pair of flanges or a pair of mounting grooves of the battery casing</u> is formed on the top portion.	At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery with a battery casing having an other of a pair of flanges or a pair of mounting grooves.
60. (Currently amended) The combination of claim 52 [59] wherein when the rechargeable battery is mounted on the housing, a majority of the top portion is covered by the housing, and side portions of the battery casing and the bottom portion are not covered by the housing.	
61-62. (Previously presented)	
63. (Currently amended) A powered device with a detachable, rechargeable battery comprising: a housing having an electric motor associated therewith, an elongate [handle] <u>handgrip</u> portion, and a battery receiving portion <u>attached to a bottom end of the handgrip portion, the battery receiving portion</u> including battery terminals,	<p>“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.</p> <p>“The handgrip portion 5 has...top T and bottom B ends (see FIG. 2).” Col. 7, lines 59-61. “The bottom of the handgrip portion 5 includes a battery receiving portion 48....” Col. 8, lines 14-15.</p>

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>the battery terminals being electrically connected to the electric motor via a power switch for delivering electric power to the electric motor;</p> <p>a battery comprising a battery casing, at least one rechargeable battery cell housed inside of the battery casing, and battery contacts adapted to contact the battery terminals formed on the housing when the battery is attached to the housing, the at least one rechargeable battery cell being electrically connected to the battery contacts; and</p> <p>wherein one of the housing or the battery casing has a pair of flanges formed thereon, and the other of the housing or the battery casing has a pair of mounting grooves formed thereon which engage the pair of flanges in a direction of engagement other than the general direction of elongation of the [handle] <u>handgrip</u> portion when the [rechargeable] battery is mounted to the housing; and</p> <p>wherein the [handle] <u>handgrip</u> portion does not house any part of the electric motor or the [rechargeable] battery.</p>	<p>“The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5.” Col. 7, lines 57-58.</p>
64-67. (Previously presented)	
<p>68. (Currently amended) The tool of claim 63 wherein the at least one rechargeable battery cell comprises:</p> <p>at least five series electrically connected, individual, rechargeable, cylindrical battery cells arranged in a plurality of rows and housed inside of the battery casing; and</p> <p>[both] the pair of flanges [and] <u>or</u> the pair of mounting grooves <u>that is formed on the battery casing is</u> [are] at least one-third the length of a top portion of the battery casing.</p>	<p>At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery with a battery casing having an other of a pair of flanges or a pair of mounting grooves.</p>
69. (Previously presented)	

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
70. (Currently amended) The tool of claim 68 [69] wherein the pair of flanges is a pair of parallel flanges, and the pair of mounting grooves is a pair of parallel mounting grooves.	
<p>71. (Currently amended) A combination of a powered tool and a rechargeable battery adapted to be repeatably and releasably attached to the powered tool, the combination comprising:</p> <p>a housing having:</p> <p>an electric motor associated therewith;</p> <p><u>a blocking member mounted to the housing and movable relative to the housing;</u></p> <p>a negative battery terminal and a positive battery terminal electrically associated with the electric motor through a power switch;</p> <p>a rechargeable battery having:</p> <p>a battery casing with a top portion and a bottom portion;</p> <p><u>a slot formed in the top portion of the battery casing adapted to receive the blocking member for releasably securing the rechargeable battery to the housing;</u></p> <p>at least one rechargeable battery cell housed inside of the battery casing;</p> <p>a negative battery contact and a positive battery contact adapted to contact the negative battery terminal and the positive battery terminal, respectively, of the housing, the at least one rechargeable battery cell being electrically connected to the negative battery contact and the positive battery contact;</p>	<p>“The latch 56 comprises a blocking member 57 on the lower portion of the housing 6 for movement between a latched (FIG. 4) and a release position.” Col. 13, lines 1-3.</p> <p>“The latch 56 also includes the battery housing 31 having surfaces defining slot 34 for receiving a chamfered end 55 of the blocking member 57.” Col. 13, lines 5-7.</p>



Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>wherein one of the housing or the top portion of the battery casing has a pair of flanges formed thereon, and the other of the housing or the top portion of the battery casing has a pair of mounting grooves formed thereon which engage the pair of flanges when the rechargeable battery is mounted to the housing, [both] the pair of mounting grooves <u>or</u> [and] the pair of flanges <u>that is formed on the top portion of the battery casing</u> being at least one-third the length of the top portion of the battery casing,</p> <p><u>the negative battery contact and the positive battery contact being positioned between the pair of flanges or the pair of grooves formed on the top portion of the battery casing; and</u></p> <p>wherein the pair of flanges engages the pair of mounting grooves by respective flanges sliding inside respective grooves in a direction of sliding that is generally parallel with a <u>generally flat</u> bottom surface of the bottom portion of the battery casing.</p>	<p>At least FIGS. 3, 5, 6, and 24 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery with a battery casing and a negative battery contact and a positive battery contact being positioned between a pair of flanges or a pair of grooves formed on the top portion of the battery casing.</p> <p>At least FIGS. 2, 4, and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery comprising a generally flat bottom surface.</p>
<p>72. (Currently amended) The combination of claim <u>99</u> [71] wherein [both] the pair of mounting grooves <u>or</u> [and] the pair of flanges <u>that is formed on the top portion of the battery casing</u> is at least one-half the length of the top portion of the battery casing.</p>	

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
73. (Currently amended) The combination of claim 99 [71] wherein the pair of mounting grooves is a pair of parallel mounting grooves, and the pair of flanges is a pair of parallel flanges.	
74. (Cancelled)	
75-77. (Previously presented)	
78. (Currently amended) The combination of claim 77 wherein the housing comprises a <u>handgrip</u> [handle] portion with a direction of elongation and the direction of sliding is not generally parallel to the direction of elongation.	"The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5." Col. 7, lines 57-58.
79. (Currently amended) The combination of claim 77 wherein the housing comprises a <u>handgrip</u> [handle] portion with a direction of elongation and the direction of sliding is generally perpendicular to the direction of elongation.	"The handle portion 6 of the housing comprises the battery 30 and a handgrip portion 5." Col. 7, lines 57-58.
80. (New) A rechargeable battery according to claim 29, wherein a longitudinal axis of the handgrip portion intersects the battery receiving portion and the battery housing when the battery is attached to the drive assembly.	"The drive assembly 10 includes a housing comprising elongate drive 4 and handle 6 portions defining drive D and handle H longitudinal axes." Col. 5, lines 30-33. At least FIG. 2 of the application discloses to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery attachable to a drive assembly with an elongate handgrip portion having a longitudinal axis intersecting a battery receiving portion and a battery housing when the battery is attached to the drive assembly.

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
81. (New) The rechargeable battery of claim 50 wherein the other of a pair of flanges or a pair of mounting grooves is formed on the top portion of the battery casing.	At least FIGS. 3, 4, and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery having a battery casing with a pair of flanges or a pair of mounting grooves formed on the top portion of the battery casing.
82. (New) The rechargeable battery of claim 81 wherein the negative battery contact and the positive battery contact are positioned on the top portion of the battery casing between the other of a pair of flanges or a pair of mounting grooves.	At least FIGS. 3, 5, 6, and 24 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery with a battery casing and a negative battery contact and a positive battery contact positioned on the top portion of the battery casing between a pair of flanges or a pair of mounting grooves.
83. (New) The rechargeable battery of claim 54 wherein the other of a pair of flanges or a pair of mounting grooves is formed on the top portion of the battery casing.	At least FIGS. 3, 4, and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery having a battery casing with a pair of flanges or a pair of mounting grooves formed on the top portion of the battery casing.
84. (New) The rechargeable battery of claim 83 wherein the negative battery contact and the positive battery contact are positioned on the top portion of the battery casing between the other of a pair of flanges or a pair of mounting grooves.	At least FIGS. 3, 5, 6, and 24 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery with a battery casing and a negative battery contact and a positive battery contact positioned on the top portion of the battery casing between a pair of flanges or a pair of mounting grooves.

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>85. (New) The tool of claim 63 wherein the housing further comprises a motor portion attached to a top end of the handgrip portion opposite the handgrip portion's bottom end, and wherein a longitudinal axis of the handgrip portion intersects the motor portion and the battery receiving portion and the battery casing when the battery is attached to the housing.</p>	<p>"...the battery cells and the motor/transmission assemblies of the device 10 are spaced on opposite ends (top T and bottom B) of the handgrip 5." Col. 8, lines 47-49. "The drive assembly 10 includes a housing comprising elongate drive 4 and handle 6 portions defining drive D and handle H portion longitudinal axes." Col. 5, lines 30-33. At least FIG. 2 of the application discloses to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a tool with a longitudinal axis of the handgrip portion that intersects a motor portion, a battery receiving portion, and a battery casing.</p>
<p>86. (New) The tool of claim 85 wherein the at least one rechargeable battery cell comprises at least five series electrically connected, individual, rechargeable, cylindrical battery cells arranged in a plurality of rows and housed inside of the battery casing.</p>	<p>"The battery 30 comprises at least one rechargeable cell 32 and preferably eight substantially cylindrical cells 32 ...." Col. 8, lines 25-26. "...the cells 32 (which are connected in series by electrically conductive strips)." Col. 9, lines 64-65.</p> <p>"The eight cylindrical cells 32 are arranged in a front row F of three cells substantially adjacent the front wall 201, a rear row R of three cells substantially adjacent the rear wall 203, and a middle row M of two cells between the front and rear rows 201 and 203. All of the rows F, M and R are enclosed within the battery housing 31...." Col. 8, lines 37-42.</p>
<p>87. (New) The tool of claim 86 wherein the battery cells are arranged in three rows of at least two battery cells per row.</p>	<p>"The eight cylindrical cells 32 are arranged in a front row F of three cells substantially adjacent the front wall 201, a rear row R of three cells substantially adjacent the rear wall 203, and a middle row M of two cells between the front and rear rows 201 and 203. All of the rows F, M and R are enclosed within the battery housing 31...." Col. 8, lines 37-42.</p>

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>88. (New) The tool of claim 87 wherein the battery casing comprises a top portion and an opposite bottom portion,</p> <p>the bottom portion having a substantially flat bottom surface and</p> <p>each of the longitudinal axes of the battery cells is parallel to the bottom surface.</p>	<p>“The battery comprises an autoclavable battery housing having opposite top and bottom portions....” Col. 3, lines 48-49.</p> <p>At least FIGS. 2, 4, and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery comprising a substantially flat bottom surface.</p> <p>At least FIGS. 2 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery comprising battery cells whose longitudinal axes are parallel to a flat bottom surface of a bottom portion of the battery casing.</p>
<p>89. (New) The tool of claim 87 wherein a slot is formed in the top portion of the battery casing adapted to receive a blocking member mounted on the housing for releasably securing the rechargeable battery on the housing.</p>	<p>“The latch 56 also includes the battery housing 31 having surfaces defining slot 34 for receiving a chamfered end 55 of the blocking member 57.” Col. 13, lines 5-7. At least FIG. 1 of the application discloses to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery where the slot is formed on a top portion of the battery casing.</p>
<p>90. (New) The tool of claim 87 wherein the pair of flanges or the pair of mounting grooves that is formed on the battery casing is formed on a top portion of the battery casing opposite a bottom portion with a generally flat bottom surface.</p>	<p>At least FIGS. 4 and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a tool having a rechargeable battery wherein the pair of flanges or the pair of mounting grooves that is formed on the battery casing is formed on a top portion of the battery casing opposite a bottom portion with a generally flat bottom surface.</p>

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
91. (New) The tool of claim 87 wherein the battery contacts are positioned on the top portion of the battery casing between the pair of flanges or the pair of mounting grooves that is formed on the battery casing.	At least FIGS. 3, 5, 6, and 24 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery with a battery casing and a negative battery contact and a positive battery contact being positioned on the top portion of the battery casing between a pair of flanges or a pair of grooves formed on the battery casing.
92. (New) The tool of claim 63 wherein the battery casing further comprises a top portion and an opposite bottom portion,  the bottom portion having a substantially flat bottom surface that is parallel to the direction of engagement,  and wherein the pair of flanges or the pair of mounting grooves that is formed on the battery casing is formed on the top portion of the battery casing.	"The battery comprises an autoclavable battery housing having opposite top and bottom portions...." Col. 3, lines 48-49.  At least FIGS. 2, 4, and 6 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery comprising a substantially flat bottom surface.  At least FIG. 1 of the application discloses to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery wherein a pair of flanges or a pair of mounting grooves that is formed on the battery casing is formed on a top portion of the battery casing.
93. (New) The tool of claim 92 wherein a slot is formed in the top portion of the battery casing adapted to receive a blocking member mounted on the housing for releasably securing the rechargeable battery on the housing.	"The latch 56 also includes the battery housing 31 having surfaces defining slot 34 for receiving a chamfered end 55 of the blocking member 57." Col. 13, lines 5-7. At least FIG. 1 of the application discloses to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery where the slot is formed on a top portion of the battery casing.

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
94. (New) The tool of claim 92 wherein the battery contacts are positioned between the pair of flanges or the pair of mounting grooves that is formed on the battery casing.	At least FIGS. 3, 5, 6, and 24 of the application disclose to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a rechargeable battery with a battery casing and a negative battery contact and a positive battery contact being positioned between a pair of flanges or a pair of grooves formed on the battery casing.
95. (New) The tool of claim 94 wherein the battery contacts and the battery terminals comprise a substantially flat plate member having opposite side surfaces, and resilient deflecting members which engage the opposite side surfaces of the plate member.	“In one embodiment, each of the battery terminals comprises a substantially flat plate member having opposite side surfaces....” Col. 3, lines 26-28. “The battery terminal 39A is designed to be sandwiched between the flexible, resilient deflecting members 81 and 82 and to deflect the members 81 and 82 in a direction that is substantially perpendicular to both of the axes H and D during vibration of the battery terminals 39A. Preferably, side 91 of the battery contact 33A is in electrical communication with deflecting member 81, and side 92 of the battery contact is in electrical communication with deflecting member 82.” Col. 11, lines 11-19.
96. (New) The tool of claim 92 wherein the electric motor drives a planetary gear transmission, and the planetary gear transmission drives a drive spindle adapted to mount a drill chuck.	“The illustrated transmission includes a drive member or spindle 18, a ring gear 19, and a gear pin and planetary gear assembly 21.” Col. 5, lines 11-14. “A connector is provided for attaching a chuck or other such holder or instrument that may be driven by the drive assembly 10.” Col. 5, lines 59-61.
97. (New) The tool of claim 96 wherein the rotary axis of the electric motor is parallel to the direction of engagement.	At least FIG. 2 of the application discloses to one of ordinary skill in the art that as of the filing date of the parent application (June 10, 1994), the inventors were in possession of a tool with a rechargeable battery wherein the rotary axis of the electric motor is parallel to the direction of engagement.

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>98. (New) The tool of claim 63 wherein: the battery terminals each comprise a substantially flat plate member having opposite side surfaces; and</p> <p>the battery contacts each comprise a pair of resilient deflecting members adapted to contact each of the side surfaces of a respective battery terminal.</p>	<p>“In one embodiment, each of the battery terminals comprises a substantially flat plate member having opposite side surfaces....” Col. 3, lines 26-28.</p> <p>“The battery terminal 39A is designed to be sandwiched between the flexible, resilient deflecting members 81 and 82 and to deflect the members 81 and 82 in a direction that is substantially perpendicular to both of the axes H and D during vibration of the battery terminals 39A. Preferably, side 91 of the battery contact 33A is in electrical communication with deflecting member 81, and side 92 of the battery contact is in electrical communication with deflecting member 82.” Col. 11, lines 11-19.</p>
<p>99. (New) The combination of claim 71 wherein: the blocking member is movable between a release position and a latched position with a spring biasing the blocking member toward its latched position;</p> <p>the blocking member comprises a chamfered end; and</p>	<p>“The latch 56 comprises a blocking member 57 on the lower portion of the housing 6 for movement between a latched (FIG. 4) and a release position. A coil spring 58 biases the blocking member 57 toward the latched position.” Col. 13, lines 1-4.</p> <p>“The latch 56 also includes the battery housing 31 having surfaces defining slot 34 for receiving a chamfered end 55 of the blocking member 57.” Col. 13, lines 5-7.</p>



Claim and Status	Support in Original Disclosure for Amended and New Subject Matter <sup>2</sup>
<p>the blocking member is cammed into the release position by the chamfered end contacting the battery casing when the rechargeable battery is being attached to the powered tool, and the blocking member is biased by the spring into the latched position to engage the slot when the rechargeable battery is fully attached to the powered tool.</p>	<p>“Referring to FIG. 2. as the battery 30 is slid into the track portions 49 of the battery receiving portion 48, the ramp surface 36 engages the chamfered end 55 on the blocking member 57 and cams the blocking member 57 toward the release position, thereby enabling the flanges of the track portions 49 to be slid into the corresponding, cooperable grooves 35 of the battery housing 31. Once the battery 3 is fully mounted on the battery receiving portion 48, the chamfered end 55 of the blocking member 57 is biased into engagement with the slot 34 of the battery housing 31 as described above.” Col. 13, lines 22-32.</p>